

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Northern District of California

Jan 27 2021

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

United States of America

v.

Erick Alexandro Torres Cruz, a.k.a. "Huesos,"

Case No.

CR 21-70166-MAG

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 6, 2021 in the county of Santa Clara in the
Northern District of California, the defendant(s) violated:

Code Section

21 U.S.C. §§ 841(a)(1) and 841(b)
(1)(B)(viii)

Offense Description

Possession with intent to distribute and distribution of 50 grams and more of
a mixture and substance containing methamphetaminePenalties: Minimum 5 year and maximum 40 years imprisonment; minimum
4 years and maximum lifetime of supervised release; maximum \$5,000,000
fine; \$100 special assessment

This criminal complaint is based on these facts:

See affidavit of DEA Special Agent Jonathan Kim, attached hereto and incorporated by reference

☒ Continued on the attached sheet.Approved as to form Sarah E. Griswold
AUSA Sarah Griswold

/s/ Jonathan Kim

Complainant's signature

Jonathan Kim, Special Agent, DEA

Printed name and title

Attested to by the applicant in accordance with the
requirements of Fed. R. Crim. P. 4.1 by telephone.Date: January 27, 2021City and state: San Jose, CA

Judge's signature

Nathanael M. Cousins, U.S. Magistrate Judge

Printed name and title

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AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Jonathan Kim, hereby duly sworn, declare and state:

INTRODUCTION

1. I am an “investigative or law enforcement officer of the United States” within the meaning of Section 2510(7) of Title 18, United States Code, that is, an officer of the United States who is empowered by law to conduct investigations of, and to make arrests for, offenses enumerated in Title 18, United States Code, Section 2516.

2. I make this affidavit in support of a Criminal Complaint charging **Erick Alexandro Torres Cruz**, a.k.a. “Huesos,” with possession with intent to distribute and distribution of 50 grams and more of a mixture and substance containing methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(B)(viii).

3. The facts in this affidavit come from my personal observations, my training and experience, information from records and databases, and information obtained from other agents and witnesses. In addition, where statements made by other individuals (including other Special Agents and law enforcement officers) are referenced in this Affidavit, such statements are described in sum and substance and in relevant part. Similarly, where information contained in reports and other documents or records are referenced in this Affidavit, such information is also described in sum and substance and in relevant part.

4. Because this Affidavit is submitted for the limited purpose of establishing probable cause for a criminal complaint, I have not included each and every fact known to me about this case. Rather, I have set forth only the facts that I believe are necessary to support probable cause for a criminal complaint.

AGENT BACKGROUND

5. I am a Special Agent of the Drug Enforcement Administration (DEA) currently assigned to the DEA San Jose Resident Office. As a Special Agent with the DEA, my investigations focus on large-scale narcotics offenders. Prior to becoming a Special Agent with the DEA, I worked for two years as a cancer research support associate at the Massachusetts Institute of Technology (MIT). I began my tenure with the DEA in December 2018. Prior to being assigned to the San Jose Resident Office, I received 16 weeks of specialized training at the DEA Academy in Quantico, Virginia. This training included several hundred hours of comprehensive, formalized instruction in, among other things, basic narcotics investigations, drug identification, detection, interdiction, United States narcotic laws, financial investigations and money laundering, identification and seizure of drug related assets, undercover operations, and electronic and physical surveillance procedures.

6. I have participated in numerous narcotics and financial investigations either as the case agent or in a supporting role. I have executed and assisted in the execution of numerous federal and state search warrants that resulted in the arrest of suspects and the seizure of money and narcotics. I have also interviewed drug dealers, users, and confidential sources, and have

discussed with them the lifestyle, appearances, and habits of drug dealers and users, the use and meaning of coded language, and the concealment of assets. I have also participated in other aspects of narcotics investigations including, but not limited to, undercover operations, conducting physical and electronic surveillance, controlled deliveries, execution of warrants, and arrests. I have monitored meetings and consensual telephone conversations between drug dealers, confidential sources and undercover agents and have participated in physical surveillance of narcotics traffickers. During these surveillances, I have personally observed narcotics transactions, counter-surveillance techniques and the methods that narcotics traffickers use to conduct clandestine meetings.

7. As a result of my training and experience, I am familiar with how various drugs, including crystal methamphetamine and cocaine, are used and the typical distribution and trafficking methods used by drug dealers and traffickers. I am also familiar with the various methods generally used by traffickers to transport drugs in and through the state of California.

8. I have also had discussions with other law enforcement officers and cooperating individuals about the packaging and preparation of narcotics, methods of operation, and security measures which are often employed by narcotics traffickers.

9. I am familiar with the manner in which narcotics traffickers use telephones, cellular telephone technology, coded or slang-filled telephone conversations, false or fictitious identities, and other means to facilitate their illegal activities and thwart law enforcement investigations, in part due to other agents' experience and my involvement in past wiretap investigations.

STATEMENT OF PROBABLE CAUSE

10. As discussed below, the DEA, Homeland Security Investigations (HSI), and Federal Bureau of Investigations (FBI) (collectively "the Investigative Agencies") have been conducting an investigation into the drug trafficking activities of Erick Alexandro Torres Cruz, a.k.a. "Huesos," and others in the Northern District of California. The Investigative Agencies used a confidential source (hereafter CS¹) to conduct controlled purchases of methamphetamine from Torres Cruz.

11. Leading up to January 6, 2021, the CS exchanged calls with Torres Cruz. During

¹ The CS has participated in several federal investigations. Agents have deemed the CS to be reliable and have been able to independently corroborate the CS's information. The CS commenced assisting agents with this investigation in December 2019. In prior investigations, the CS has conducted controlled purchases of narcotics, which have subsequently led to arrests and narcotics seizures. During this investigation, the CS's calls and meetings were monitored and recorded. The CS has conducted multiple narcotics purchases in the furtherance of this instant investigation. The CS has two felony narcotics trafficking convictions, a misdemeanor possession of narcotics conviction, and two misdemeanor driving under the influence convictions. The CS is currently working for monetary gain and has received more than \$200,000 in compensation since the beginning of the CS's tenure with DEA in 1999.

these calls, the CS asked to purchase a half-kilogram of methamphetamine from Torres Cruz. Torres Cruz provided a price of \$2,600. The CS and Torres Cruz agreed to meet on January 6, 2021.

12. On January 6, 2021, the CS exchanged calls with Torres Cruz, during which the CS and Torres Cruz confirmed the time and place of the pending methamphetamine deal.

13. At approximately 12:55 p.m., surveillance agents saw a silver Honda Pilot park next to the CS's vehicle in the meeting location parking lot in San Jose, California. At that time, agents saw Torres Cruz exit the Pilot driver seat and enter the CS's vehicle.

14. Video monitoring equipment showed Torres Cruz entering the passenger side of the CS's vehicle while carrying a white plastic grocery bag. Torres Cruz took a clear bag containing approximately a half-kilogram of methamphetamine² out of the white grocery bag and gave it to the CS. The CS gave Torres Cruz \$2,600 in OAF. Torres Cruz counted the money. Torres Cruz said that it looked good, and that Torres Cruz could lower the price if the CS ordered more. Torres Cruz said that things were slow, but Torres Cruz was hoping that it would pick up.³ Torres Cruz got out of the CS's vehicle and left.

CONCLUSION

15. Based on the foregoing, I hereby assert that probable cause exists to believe that Erick Alexandro Torres Cruz, a.k.a. "Huesos," violated 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(B)(viii).

/s/ Jonathan Y. Kim

JONATHAN Y. KIM
Special Agent
Drug Enforcement Administration

Sworn to before me over the telephone and signed by me pursuant to Fed. R. Crim. P. 4.1 and 4(d) on this 27th day of January 2021.



THE HONORABLE NATHANAEL M. COUSINS
United States Magistrate Judge

² The half-kilogram of methamphetamine tested presumptive-positive for methamphetamine that same day, with a gross weight of approximately 547.2 grams.

³ After the methamphetamine purchase, agents escorted the CS to the neutral location. When agents debriefed with the CS, the CS confirmed the events recorded on video and audio monitoring equipment.